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U.S. EPA Docket No. 06-08-10

REGIONAL HEARING CLERK
EPA REGION VI

IN THE MATTER OF:

Malone Service Company Site
Texas City, Texas

Proceeding under Section 122(g)(4)
of the Comprehensive Environmental
Response, Compensation, and
Liability Act of 1980, as amended,
42 U.S.C. 9622(g)(4)

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ADMINISTRATIVE ORDER
ON CONSENT

**CERCLA SECTION 122(g)(4) *DE MINIMIS* CONTRIBUTOR
ADMINISTRATIVE ORDER ON CONSENT**

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IN THE MATTER OF:

U.S. EPA Docket No. 06-08-10

Malone Service Company Superfund Site

Texas City, Texas

Proceeding under Section 122(g)(4)
of the Comprehensive Environmental
Response, Compensation,
and Liability Act of 1980, as amended,
42 U.S.C. 9622(g)(4)

ADMINISTRATIVE ORDER
ON CONSENT

I. JURISDICTION

1. This Administrative Order on Consent ("Consent Order" or "Order") is issued pursuant to the authority vested in the President of the United States by Section 122(g)(4) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980, as amended ("CERCLA"), 42 U.S.C. § 9622(g)(4), to reach settlements in actions under Sections 106 or 107 of CERCLA, 42 U.S.C. §§ 9606 or 9607. The authority vested in the President has been delegated to the Administrator of the United States Environmental Protection Agency ("EPA") by Executive Order 12580, 52 Fed. Reg. 2923 (Jan. 29, 1987), and further delegated to the Regional Administrators of the EPA by EPA Delegation No. 14-14-E (July 28, 2003). Those authorities were further delegated to the Director, Superfund Division.

2. This Administrative Order on Consent is issued to the parties identified in Appendix A ("Respondents"). Each Respondent agrees to undertake all actions required by this Consent Order. Each Respondent further consents to and will not contest EPA's jurisdiction to issue this Consent Order or to implement or enforce its terms.

3. EPA and Respondents agree that the actions undertaken by Respondents in accordance with this Consent Order do not constitute an admission of any liability by any Respondent. Respondents do not admit, and retain the right to controvert in any subsequent proceedings other than proceedings to implement or enforce this Consent Order, the validity of the Statement of Facts or Determinations contained in Sections IV and V, respectively, of this Consent Order.

II. STATEMENT OF PURPOSE

4. By entering into this Consent Order, the mutual objectives of the Parties are:

a. to reach a final settlement among the Parties with respect to the Site pursuant to Section 122(g) of CERCLA, 42 U.S.C. § 9622(g), that allows Respondents to make a cash payment, including a premium, to resolve their alleged civil liability under Sections 106 and 107 of CERCLA, 42 U.S.C. §§ 9606 and 9607, for Response Costs incurred and to be incurred at or

in connection with the Site, thereby reducing litigation relating to the Site;

b. to simplify any remaining administrative and judicial enforcement activities concerning the Site by eliminating a substantial number of potentially responsible parties from further involvement at the Site; and

c. to obtain settlement with Respondents for their fair share of Response Costs incurred and to be incurred at or in connection with the Site by the EPA Hazardous Substance Superfund and by private parties and to provide for full and complete contribution protection for Respondents with regard to the Site pursuant to Sections 113(f)(2) and 122(g)(5) of CERCLA, 42 U.S.C. §§ 9613(f)(2) and 9622(g)(5).

III. DEFINITIONS

5. Unless otherwise expressly provided herein, terms used in this Consent Order that are defined in CERCLA or in regulations promulgated under CERCLA shall have the meaning assigned to them in the statute or regulations. Whenever the terms listed below are used in this Consent Order, the following definitions shall apply:

a. "CERCLA" shall mean the Comprehensive Environmental Response, Compensation, and Liability Act of 1980, as amended, 42 U.S.C. § 9601, *et seq.*

b. "Consent Order" or "Order" shall mean this Administrative Order on Consent and all appendices attached hereto. In the event of conflict between this Order and any appendix, the Order shall control.

c. "Day" shall mean a calendar day. In computing any period of time under this Consent Decree, where the last day would fall on a Saturday, Sunday, or federal holiday, the period shall run until the close of business of the next working day.

d. "EPA" shall mean the United States Environmental Protection Agency and any successor departments, agencies, or instrumentalities.

e. "EPA Hazardous Substance Superfund" shall mean the Hazardous Substance Superfund established by the Internal Revenue Code, 26 U.S.C. § 9507.

f. "Interest" shall mean interest at the current rate specified for interest on investments of the EPA Hazardous Substance Superfund established by 26 U.S.C. § 9507, compounded annually on October 1 of each year, in accordance with 42 U.S.C. § 9607(a).¹

¹ The Superfund currently is invested in 52-week MK bills. The interest rate for these MK bills changes on October 1 of each year. To obtain the current rate, contact Vince Velez, Office of Administration and Resource Management, Financial Management Division, Superfund Accounting Branch, at (202) 260-6465.

g. "Paragraph" shall mean a portion of this Consent Order identified by an arabic numeral.

h. "Parties" shall mean EPA and Respondents.

i. "Respondents" shall mean those persons, corporations, or other entities listed in Appendix A.

j. "Response Costs" shall mean all costs of "response" as that term is defined by Section 101(25) of CERCLA, 42 U.S.C. § 9601(25).

k. "Section" shall mean a portion of this Consent Order identified by a roman numeral.

l. "Site" shall mean the Malone Service Company Superfund Site, encompassing approximately one hundred fifty (150) acres, located in Galveston County, Texas City, Texas, at 5300 Campbell's Bayou Road, and depicted more clearly on the map attached as Appendix B.

n. "United States" shall mean the United States of America, including its departments, agencies, and instrumentalities, which includes, without limitation, the EPA.

IV. STATEMENT OF FACTS

6. The Site consists of approximately 150 acres located in Galveston County, Texas City, Texas, at 5300 Campbell's Bayou Road. It is within an industrial and petrochemical area, on the shores of Swan Lake and Galveston Bay, approximately 1.6 miles southeast of the intersection of Loop 197 and State Highway 3. The Site operated as a reclamation, storage, and disposal facility for waste oils and chemicals. On June 14, 2001, the Site was placed on the National Priorities List ("NPL") of Superfund sites. EPA has undertaken response actions at the Site to address threats to public health, welfare, or the environment; and has incurred certain costs in response to conditions at the Site. On September 30, 2003, EPA entered into an Administrative Order on Consent ("AOC") with some of the potentially responsible parties ("PRPs") to conduct a remedial investigation/feasibility study ("RI/FS") at the Site. These PRPs are presently undertaking the remedial investigation with EPA oversight. The RI/FS will determine the full nature and extent of the contamination at the Site, the risks it poses to human health, welfare, or environment and will serve as the basis for developing long-term cleanup strategies for the Site.

7. In performing these response actions, EPA has incurred costs at or in connection with the Site. As of July 31, 2007, EPA has incurred response costs at this Site of \$17,589,973. Approximately \$5,446,142 has been and will be incurred in connection with the Site RI/FS. Based on current estimates, EPA expects that future remedial costs will be approximately \$54,018,630.

8. Each Respondent listed on Appendix A arranged for disposal or treatment, or arranged

with a transporter for transport for disposal or treatment, of a hazardous substance owned or possessed by such Respondent, by any other person or entity, at the Site, or accepted a hazardous substance for transport to the Site which was selected by such Respondent.

9. The amount of hazardous substances contributed to the Site by each Respondent is less than 0.60% of the hazardous substances found at the Site, and the hazardous substances contributed by each Respondent to the Site are not significantly more toxic or of significantly greater hazardous effect than other hazardous substances at the Site. Appendix C lists the volume of hazardous substances contributed to the Site by each Respondent.

10. EPA estimates that the total response costs incurred and to be incurred at or in connection with the Site by the EPA Hazardous Substance Superfund and by private parties is \$71,608,603. The payment required to be made by each Respondent pursuant to this Consent Order is a minor portion of this total amount.

V. EPA'S DETERMINATIONS

11. Based upon the Statement of Facts set forth above and on the administrative record for this Site, EPA has determined that:

a. The Malone Service Company Superfund site is a "facility" as that term is defined in Section 101(9) of CERCLA, 42 U.S.C. § 9601(9);

b. Each Respondent is a "person" as that term is defined in Section 101(21) of CERCLA, 42 U.S.C. § 9601(21);

c. Each Respondent is a "potentially responsible party" within the meaning of Section 122(g)(1) of CERCLA, 42 U.S.C. § 9622(g)(1);

d. There has been an actual or threatened "release" of a "hazardous substance" from the Site as those terms are defined in Section 101(22) and (14) of CERCLA, 42 U.S.C. § 9601(22) and (14);

e. The actual or threatened "release" caused the incurrence of response costs;

f. Prompt settlement with each Respondent is practicable and in the public interest within the meaning of Section 122(g)(1) of CERCLA, 42 U.S.C. § 9622(g)(1);

g. As to each Respondent, this Consent Order involves only a minor portion of the response costs at the Site within the meaning of Section 122(g)(1) of CERCLA, 42 U.S.C. § 9622(g)(1); and

h. The amount of hazardous substances contributed to the Site by each Respondent and the toxic or other hazardous effects of the hazardous substances contributed to the Site by each Respondent are minimal in comparison to other hazardous substances at the Site

within the meaning of Section 122(g)(1)(A) of CERCLA, 42 U.S.C. § 9622(g)(1)(A).

VI. ORDER

12. Based upon the administrative record for the Site and the Statement of Facts and Determinations set forth above, and in consideration of the promises and covenants set forth herein, the following is hereby AGREED TO AND ORDERED:

VII. PAYMENT

13. Within 30 days of the effective date of this Consent Order, each Respondent shall pay to the EPA Hazardous Substance Superfund the amount which corresponds to each Respondent's contribution to the Site, set forth in Appendix D to this Consent Order.

14. Each Respondent's payment includes an amount for: (a) non-RI/FS response costs incurred at or in connection with the Site; (b) RI/FS response costs incurred at or in connection with the Site; (c) projected future response costs to be incurred at or in connection with the Site; and (d) a premium to cover the risks and uncertainties associated with this settlement, including but not limited to, the risk that total response costs incurred or to be incurred at or in connection with the Site by the EPA Hazardous Substance Superfund, or by any private party, will exceed the estimated total response costs upon which Respondents' payments are based.

15. Each payment shall be made by certified or cashier's check made payable to "EPA Hazardous Substance Superfund." Each check shall reference the name and address of the party making payment, and the following: Malone Service Company Superfund Site; Region 6; Site Spill ID Number A6B9; and U.S. EPA Docket No. 06-08-10. Each check shall be sent to:

EPA Superfund-Malone Service Company Superfund Site (A6B9)
CERCLIS #: TXD057577579
Superfund Payments
Cincinnati Finance Center
P.O. Box 979076
St. Louis, MO 63197-9000

Or you may make payment electronically by sending payment, referencing the name and address of the party making payment and the following: Malone Service Company Superfund Site; Region 6; Site Spill ID Number A6B9; and U.S. EPA Docket No. 06-08-10, to:

Federal Reserve Bank of New York
ABA = 02103004
Account = 68010727
SWIFT address = FRNYUS33
33 Liberty Street
New York, NY 10045
Field Tag 4200 of the Fedwire message should read "D 68010727 Environmental

Protection Agency"

The total amount to be paid pursuant to this Consent Order shall be deposited by EPA in the Malone Service Company Superfund Site Special Account within the EPA Hazardous Substance Superfund to be retained and used to conduct or finance the response action at or in connection with the Site.

16. At the time of payment, each Respondent shall send notice that such payment has been made to:

Chief
Superfund Enforcement Assessment Section(6SF-TE)
United States Environmental Protection Agency
Region 6
1445 Ross Avenue
Dallas, Texas 75202-2733

And

by email to acctsreceivable.cinwd@epa.gov, or in writing to:
EPA Cincinnati Finance Office
26 Martin Luther King Drive
Cincinnati, OH 45268

VIII. FAILURE BY RESPONDENTS TO MAKE PAYMENT

17. If any Respondent fails to make full payment within the time required by Paragraph 13, that Respondent shall pay Interest on the unpaid balance. In addition, if any Respondent fails to make full payment as required by Paragraph 13, the United States may, in addition to any other available remedies or sanctions, bring an action against that Respondent seeking injunctive relief to compel payment and/or seeking civil penalties under Section 122(I) of CERCLA, 42 U.S.C. § 9622(I), for failure to make timely payment.

IX. CERTIFICATIONS OF RESPONDENTS

18. By signing this Consent Order, each Respondent certifies, individually, that, to the best of its knowledge and belief, it has:

a. not altered, mutilated, discarded, destroyed, or otherwise disposed of any records, documents, or other information relating to its potential liability regarding the Site after notification of potential liability or the filing of a suit against it regarding the Site; and

b. has and will fully comply with any and all EPA requests for information regarding the Site pursuant to Sections 104(e) and 122(e) of CERCLA, 42 U.S.C. §§ 9604(e) and 9622(e).

X. COVENANTS BY EPA

19. In consideration of the payments that will be made by Respondents under the terms of this Consent Order, and except as specifically provided in Section XI (Reservations of Rights by EPA), EPA covenants not to sue or take administrative action against any of the Respondents pursuant to Sections 106 or 107 of CERCLA, 42 U.S.C. §§ 9606 or 9607, relating to the Site. With respect to present and future liability, this covenant not to sue shall take effect for each Respondent upon receipt of that Respondent's payment as required by Section VII. With respect to each Respondent, individually, this covenant not to sue is conditioned upon: (a) the satisfactory performance by Respondent of all obligations under this Consent Order; and (b) the accuracy of the information obtained by EPA relating to Respondent's involvement with the Site. If information is later obtained that indicates the Respondent contributed more than a *de minimis* volume to this Site, this covenant not to sue will no longer be in effect. This covenant not to sue extends only to Respondents and does not extend to any other person.

XI. RESERVATIONS OF RIGHTS BY EPA

20. The covenants by EPA set forth in Paragraph 19 do not pertain to any matters other than those expressly contained therein. EPA reserves, and this Consent Order is without prejudice to, all rights against Respondents with respect to all other matters including, but not limited to:

- a. liability for failure to meet a requirement of this Consent Order;
- b. criminal liability;
- c. liability for damages for injury to, destruction of, or loss of natural resources and for the costs of any natural resource damage assessments; or
- d. liability based upon the ownership or operation of the Site, or upon the transportation, treatment, storage, or disposal, or the arrangement for the transportation, treatment, storage, or disposal of a hazardous substance or a solid waste at or in connection with the Site, after signature of this Consent Order by Respondent.

21. Notwithstanding any other provision in this Consent Order, EPA reserves, and this Consent Order is without prejudice to, the right to institute judicial proceedings against any Respondent or administrative proceedings against any individual Respondent seeking to compel that Respondent to perform response actions relating to the Site, and/or to reimburse the United States for additional costs of response, if information is discovered which indicates that such Respondent contributed hazardous substances to the Site in such greater amount or of such greater toxic or other hazardous effects that such Respondent no longer qualifies as a *de minimis* party at the Site because such Respondent contributed greater than 0.59% of the hazardous substances at the Site or contributed hazardous substances which are significantly more toxic or are of significantly greater hazardous effect than other hazardous substances at the Site.

XII. COVENANT BY RESPONDENTS

22. Respondents covenant not to assert any claims or causes of action against the United States or its contractors or employees, with respect to the Site or this Consent Order including, but not limited to:

a. any direct or indirect claim for reimbursement from the EPA Hazardous Substance Superfund based on Sections 106(b)(2), 107, 111, 112, or 113 of CERCLA, 42 U.S.C. §§ 9606(b)(2), 9607, 9611, 9612, or 9613, or any other provision of law;

b. any claims arising out of response activities at the Site; and

c. any claim against EPA pursuant to Sections 107 and 113 of CERCLA, 42 U.S.C. §§ 9607 and 9613, relating to the Site.

Except as provided in Paragraph 24 (Waiver of Claims) and Paragraph 26 (Waiver of Claim-Splitting Defenses), these covenants not to sue shall not apply in the event the United States brings a cause of action or issues an order pursuant to the reservations set forth in Paragraph 20 (c) or (d) or Paragraph 21, but only to the extent that Respondents' claims arise from the same response action, response costs, or damages that the United States is seeking pursuant to the applicable reservation.

23. Nothing in this Consent Order shall be deemed to constitute preauthorization or approval of a claim within the meaning of Section 111 of CERCLA, 42 U.S.C. § 9611, or 40 C.F.R. 300.700(d).

24. Respondents agree not to assert any claims or causes of action (including claims for contribution under CERCLA) that they may have for all matters relating to the Site against each other or any other person who is a potentially responsible party under CERCLA at the Site. This waiver shall not apply with respect to any defense, claim, or cause of action that a Respondent may have against any person if such person asserts or has asserted a claim or cause of action relating to the Site against such Respondent.

XIII. EFFECT OF SETTLEMENT/CONTRIBUTION PROTECTION

25. Except as provided in Paragraph 24 (Waiver of Claims), nothing in this Consent Order shall be construed to create any rights in, or grant any cause of action to, any person not a Party to this Consent Order. Except as provided in Paragraph 24 (Waiver of Claims), EPA and Respondents each reserve any and all rights (including, but not limited to, any right to contribution), defenses, claims, demands, and causes of action which each Party may have with respect to any matter, transaction, or occurrence relating in any way to the Site against any person not a Party hereto.

26. In any subsequent administrative or judicial proceeding initiated by EPA for injunctive relief, recovery of response costs, or other relief relating to the Site, Respondents shall

not assert, and may not maintain, any defense or claim based upon the principles of waiver, *res judicata*, collateral estoppel, issue preclusion, claim-splitting, or other defenses based upon any contention that the claims raised in the subsequent proceeding were or should have been brought in the instant action; provided, however, that nothing in this Paragraph affects the enforceability of the covenant not to sue included in Paragraph 19.

27. The Parties agree that each Respondent is entitled, as of the effective date of this Consent Order, to protection from contribution actions or claims as provided by Sections 113(f)(2) and 122(g)(5) of CERCLA, 42 U.S.C. §§ 9613(f)(2) and 9622(g)(5), for "matters addressed" in this Consent Order. The "matters addressed" in this Consent Order are all response actions taken by EPA and by private parties, and all response costs incurred and to be incurred by EPA and by private parties, at or in connection with the Site.

XIV. PARTIES BOUND

28. This Consent Order shall apply to and be binding upon EPA, Respondents, and each Party's heirs, successors, and assigns. Any change in ownership or corporate or other legal status of a Respondent, including but not limited to, any transfer of assets or real or personal property, shall in no way alter such Respondent's responsibilities under this Consent Order. Each signatory to this Consent Order certifies that he or she is authorized to enter into the terms and conditions of this Consent Order and to execute and bind legally the party represented by him or her.

XV. INTEGRATION/APPENDICES

29. This Consent Order and its appendices constitute the final, complete and exclusive agreement and understanding among the Parties with respect to the settlement embodied in this Consent Order. The Parties acknowledge that there are no representations, agreements, or understandings relating to the settlement other than those expressly contained in this Consent Order. The following appendices are attached to and incorporated into this Consent Order:

"Appendix A" is the list of Respondents with the payment schedule.

"Appendix B" is the map of the Site.

"Appendix C" is the allocation table.

"Appendix D" is the de minimis payment schedule.

"Appendix E" is the approval of the Department of Justice.

XVI. PUBLIC COMMENT

30. This Consent Order shall be subject to a public comment period of not less than thirty (30) days pursuant to Section 122(i) of CERCLA, 42 U.S.C. § 9622(i). In accordance with

Section 122(i)(3) of CERCLA, 42 U.S.C. § 9622(i)(3), EPA may withdraw or withhold its consent to this Consent Order if comments received disclose facts or considerations which indicate that this Consent Order is inappropriate, improper, or inadequate.

XVII. ATTORNEY GENERAL APPROVAL

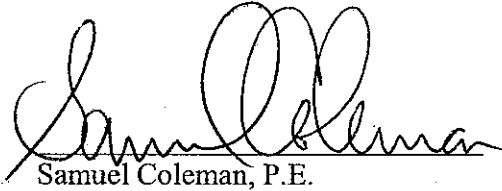
31. The settlement embodied in this Administrative Order on Consent is subject to approval by the Attorney General of the United States or his designee, as required by Section 122(g)(4) of CERCLA, 42 U.S.C. § 9622(g)(4).

XVIII. EFFECTIVE DATE

32. The effective date of this Consent Order shall be the date upon which EPA issues written notice to Respondents that the public comment period pursuant to Paragraph 30 has closed and that comments received, if any, do not require modification of or EPA withdrawal from this Consent Order.

IT IS SO AGREED AND ORDERED:

U.S. Environmental Protection Agency

By: 
Samuel Coleman, P.E.
Director, Superfund Division

10/14/10
[Date]

MAR 03 2010

IN THE MATTER OF:	§	U.S. EPA Docket No. 06-18-08
	§	
Malone Service Company Superfund Site	§	ADMINISTRATIVE ORDER
Texas City, Texas	§	ON CONSENT
	§	
Respondents Listed in Appendix A	§	Pursuant to CERCLA 122(g),
	§	42 U.S.C. 9622(g)

THE UNDERSIGNED RESPONDENT enters into this Consent Order in the matter of CERCLA No. 06-18-08 relating to the Malone Service Company Superfund Site, Texas City, Texas.

FOR RESPONDENT:

Allstate Vacuum and Tank Inc. C/o Team Industrial Services, Inc.
Print Name of Respondent (i.e., name of company or other entity as it appears in Appendix A)

200 Hermann Dr., Alvin, TX 77511
Print Address

By: André C. Bouchard 3/01/2010
Signature Date

André C. Bouchard
Print name of Signatory

Written notice to the following notification contact person will constitute complete satisfaction of any written notice requirement (if any) of this Consent Order with respect to the Respondents who has signed above:

General Counsel
Print Name

200 Hermann Dr. Alvin, TX 77511
Print Address

FEB 22 2010

IN THE MATTER OF:	§	U.S. EPA Docket No. 06-18-08
	§	
Malone Service Company Superfund Site	§	ADMINISTRATIVE ORDER
Texas City, Texas	§	ON CONSENT
	§	
Respondents Listed in Appendix A	§	Pursuant to CERCLA 122(g),
	§	42 U.S.C. 9622(g)

THE UNDERSIGNED RESPONDENT enters into this Consent Order in the matter of CERCLA No. 06-18-08 relating to the Malone Service Company Superfund Site, Texas City, Texas.

FOR RESPONDENT:

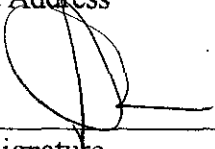
AMERICAN DRILLING & SAWING CO.

Print Name of Respondent (i.e., name of company or other entity as it appears in Appendix A)

% GREG THOMAS P.O. Box 40531 Houston, TX. 77240

Print Address

By:


Signature

2.16.10
Date

GREG THOMAS

Print name of Signatory

Written notice to the following notification contact person will constitute complete satisfaction of any written notice requirement (if any) of this Consent Order with respect to the Respondents who has signed above:

GREG THOMAS

Print Name

P.O. Box 40531 Houston, TX. 77240

Print Address

RECEIVED

APR 23 PM 1:40

SUPERFUND DIV.
TECHNICAL & ENFORCEMENT
BRANCH (SF-7)

IN THE MATTER OF: §
§
Malone Service Company Superfund Site §
Texas City, Texas §
§
Respondents Listed in Appendix A §
§

U.S. EPA Docket No. 06-08-10

**ADMINISTRATIVE ORDER
ON CONSENT**

Pursuant to CERCLA 122(g),
42 U.S.C. 9622(g)

THE UNDERSIGNED RESPONDENT enters into this Consent Order in the matter of CERCLA No. 06-08-10 relating to the Malone Service Company Superfund Site, Texas City, Texas.

FOR RESPONDENT:

Ameri Gas Partners
Print Name of Respondent (i.e., name of company or other entity as it appears in Appendix A)

4160 N. Gulph Rd. King of Prussia, PA 19406
Print Address

By: [Signature] 4.19.10
Signature Date

Silve Samuel
Print name of Signatory

Written notice to the following notification contact person will constitute complete satisfaction of any written notice requirement (if any) of this Consent Order with respect to the Respondents who has signed above:

Michelle A. Bimson
Print Name 460 N. Gulph Rd.
King of Prussia, PA 19406
Print Address

IN THE MATTER OF: § U.S. EPA Docket No. 06-08-10
§
Malone Service Company Superfund Site §
Texas City, Texas § **ADMINISTRATIVE ORDER**
§ **ON CONSENT**
§
Respondents Listed in Appendix A § Pursuant to CERCLA 122(g),
§ 42 U.S.C. 9622(g)

THE UNDERSIGNED RESPONDENT enters into this Consent Order in the matter of CERCLA No. 06-08-10 relating to the Malone Service Company Superfund Site, Texas City, Texas.

FOR RESPONDENT:

ConAgra Foods Packaged Foods, LLC successor by merger to ConAgra Foods Packaged Foods Co. Inc.
Print Name of Respondent (i.e., name of company or other entity as it appears in Appendix A) For Arrow Industries, Inc.
One ConAgra Drive, Omaha, NE 68102
Print Address

By: *Leo A. Knowles* 4/27/10
Signature President Date
Leo A. Knowles
Print name of Signatory

Written notice to the following notification contact person will constitute complete satisfaction of any written notice requirement (if any) of this Consent Order with respect to the Respondents who has signed above:

Leo A. Knowles
Print Name
CONAGRA FOODS PACKAGED FOODS, LLC
One ConAgra Drive, 1-370
Omaha, NE 68102
Print Address

IN THE MATTER OF:

§
§
§
§
§
§

U.S. EPA Docket No. 06-18-08

Malone Service Company Superfund Site
Texas City, Texas

**ADMINISTRATIVE ORDER
ON CONSENT**

Respondents Listed in Appendix A

Pursuant to CERCLA 122(g),
42 U.S.C. 9622(g)

THE UNDERSIGNED RESPONDENT enters into this Consent Order in the matter of CERCLA No. 06-18-08 relating to the Malone Service Company Superfund Site, Texas City, Texas.

FOR RESPONDENT:

BONNEY FORGE CORP.

Print Name of Respondent (i.e., name of company or other entity as it appears in Appendix A)

14496 Croghan Pike, P.O. Box 330, Mount Union, PA 17066

Print Address

By: Douglas E. Young
Signature

2/25/10
Date

Douglas E. Young
Print name of Signatory
Senior VP & CFO

Written notice to the following notification contact person will constitute complete satisfaction of any written notice requirement (if any) of this Consent Order with respect to the Respondents who has signed above:

Douglas E. Young
Print Name
Bonney Forge Corporation
14496 Croghan Pike, P.O. Box 330
Print Address
Mount Union, PA 17066

IN THE MATTER OF:

Malone Service Company Superfund Site
Texas City, Texas

Respondents Listed in Appendix A

§ U.S. EPA Docket No. 06-18-08

§
§ ADMINISTRATIVE ORDER
§ ON CONSENT
§

§ Pursuant to CERCLA 122(g),
§ 42 U.S.C. 9622(g)

THE UNDERSIGNED RESPONDENT enters into this Consent Order in the matter of CERCLA No. 06-18-08 relating to the Malone Service Company Superfund Site, Texas City, Texas.

FOR RESPONDENT:

Chem-Tech Inc.

Print Name of Respondent (i.e., name of company or other entity as it appears in Appendix A)

P.O. Box 60068 Houston Texas 77205

Print Address

By: Henry C. Lutes
Signature

3/2/2010
Date

HENRY C. Lutes
Print name of Signatory

Written notice to the following notification contact person will constitute complete satisfaction of any written notice requirement (if any) of this Consent Order with respect to the Respondents who has signed above:

Henry Lutes
Print Name

P.O. Box 60068 Houston, Texas 77205
Print Address

AND

GREG ATTREP
SENIOR LITIGATION COUNSEL
CHEM-TECH, INC.
C/O SMITH-INTERNATIONAL
16746 HARDY STREET
HOUSTON, TEXAS 77073

IN THE MATTER OF:

Malone Service Company Superfund Site
Texas City, Texas

Respondents Listed in Appendix A

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U.S. EPA Docket No. 06-18-08

**ADMINISTRATIVE ORDER
ON CONSENT**

Pursuant to CERCLA 122(g),
42 U.S.C. 9622(g)

THE UNDERSIGNED RESPONDENT enters into this Consent Order in the matter of CERCLA No. 06-18-08 relating to the Malone Service Company Superfund Site, Texas City, Texas.

FOR RESPONDENT:

City of Texas City
Print Name of Respondent (i.e., name of company or other entity as it appears in Appendix A)

1801 9th Ave. N., Texas City, Tx 77590

Print Address

By:

Signature

Date

MATTHEW T. DOYLE
Print name of Signatory

Written notice to the following notification contact person will constitute complete satisfaction of any written notice requirement (if any) of this Consent Order with respect to the Respondents who has signed above:

Ronald F. Plackemeier

Print Name

1801 9th Ave. N.
Texas City, TX 77590
Print Address

IN THE MATTER OF:

Malone Service Company Superfund Site
Texas City, Texas

Respondents Listed in Appendix A

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U.S. EPA Docket No. 06-18-08

**ADMINISTRATIVE ORDER
ON CONSENT**

Pursuant to CERCLA 122(g),
42 U.S.C. 9622(g)

THE UNDERSIGNED RESPONDENT enters into this Consent Order in the matter of CERCLA No. 06-18-08 relating to the Malone Service Company Superfund Site, Texas City, Texas.

FOR RESPONDENT: **CONOCOPHILLIPS COMPANY, on behalf of, ALAMO MANUFACTURING CO.; CONOCO INC.; GULF COAST FRACTIONATORS; PHILLIPS CHEMICAL CO.; PHILLIPS PETROLEUM COMPANY and SEAWAY CRUDE PIPELINE COMPANY (on behalf of the entity identified as ARCO PIPELINE COMPANY on the EPA Waste-In List and on the appendices to the AOC)**

Print Name of Respondent (i.e., name of company or other entity as it appears in Appendix A)

600 North Dairy Ashford, Houston, Texas 77079

Print Address

By:

Signature

Date

February 24, 2010

JOHN E. SKOPAK
Print name of Signatory

Written notice to the following notification contact person will constitute complete satisfaction of any written notice requirement (if any) of this Consent Order with respect to the Respondents who has signed above:

Willette DuBose

Print Name

600 North Dairy Ashford, ML 2119
Houston, TX 77079


Print Address

IN THE MATTER OF:	§	U.S. EPA Docket No. 06-17-07
	§	
Malone Service Company Superfund Site	§	ADMINISTRATIVE ORDER
Texas City, Texas	§	ON CONSENT
	§	
Respondents Listed in Appendix A	§	Pursuant to CERCLA 122(g),
	§	42 U.S.C. 9622(g)

THE UNDERSIGNED RESPONDENT enters into this Consent Order in the matter of CERCLA
_____ relating to the Malone Service Company Superfund Site, Texas City, Texas.

FOR RESPONDENT:

Dresser Rand and Ingersoll-Rand Company
Print Name of Respondent (i.e., name of company or other entity as it appears in Appendix A)
155 Chestnut Ridge Road, Montvale, NJ 07645
Print Address

By:  11/01/07
Signature Date
Patricia Nachtigal
Print name of Signatory

Written notice to the following notification contact person will constitute complete satisfaction of any written notice requirement (if any) of this Consent Order with respect to the Respondents who has signed above:

Donna K. Bryant McMahon
Print Name
155 Chestnut Ridge Road
Montvale, NJ 07645
Print Address

IN THE MATTER OF:

Malone Service Company Superfund Site
Texas City, Texas

Respondents Listed in Appendix A

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U.S. EPA Docket No. 06-08-10

**ADMINISTRATIVE ORDER
ON CONSENT**

Pursuant to CERCLA 122(g),
42 U.S.C. 9622(g)

THE UNDERSIGNED RESPONDENT enters into this Consent Order in the matter of CERCLA No. 06-08-10 relating to the Malone Service Company Superfund Site, Texas City, Texas.

FOR RESPONDENT:

DuPont Powder Coatings

Print Name of Respondent (i.e., name of company or other entity as it appears in Appendix A)

57084-1007 Market Street, Wilmington, DE 19898

Print Address

By:

James B. Allen
Signature

4/20/10

Date

James B. Allen

Print name of Signatory

Written notice to the following notification contact person will constitute complete satisfaction of any written notice requirement (if any) of this Consent Order with respect to the Respondents who has signed above:

James B. Allen

Print Name

57084-DuPont Legal, 1007 Market Street, Wilmington, DE 19898

Print Address

IN THE MATTER OF:	§	U.S. EPA Docket No.
	§	
Malone Service Company Superfund Site	§	ADMINISTRATIVE ORDER
Texas City, Texas	§	ON CONSENT
	§	
Respondents Listed in Appendix A	§	Pursuant to CERCLA 122(g),
	§	42 U.S.C. 9622(g)

THE UNDERSIGNED RESPONDENT enters into this Consent Order in the matter of CERCLA No. relating to the Malone Service Company Superfund Site, Texas City, Texas.

FOR RESPONDENT:

Saint-Gobain Performance Plastics Corp. ; for The Fluoro-
Print Name of Respondent (i.e., name of company or other entity as it appears in Appendix A) Carbon
750 E. Swedesford Road Valley Forge, PA 19482
Print Address Co.

By: [Signature]
Signature

3-12-10
Date

Lauren P. Alterman, VP, HSE
Print name of Signatory

Written notice to the following notification contact person will constitute complete satisfaction of any written notice requirement (if any) of this Consent Order with respect to the Respondents who has signed above:

Lauren P. Alterman, VP, HSE
Print Name

750 E. Swedesford Rd Valley Forge, PA 19482
Print Address

MAR 12 2010

IN THE MATTER OF:	§	U.S. EPA Docket No. 06-18-08
	§	
Malone Service Company Superfund Site	§	ADMINISTRATIVE ORDER
Texas City, Texas	§	ON CONSENT
	§	
Respondents Listed in Appendix A	§	Pursuant to CERCLA 122(g),
	§	42 U.S.C. 9622(g)

THE UNDERSIGNED RESPONDENT enters into this Consent Order in the matter of CERCLA No. 06-18-08 relating to the Malone Service Company Superfund Site, Texas City, Texas.

FOR RESPONDENT:

RETZLOFF INDUSTRIES INC. FOR FRESNO Chemical
Print Name of Respondent (i.e., name of company or other entity as it appears in Appendix A)

13955 FM 529 Houston, TX 77041
Print Address

By: [Signature] 3-9-10
Signature Date

STEVEN F. RETZLOFF, PRES.
Print name of Signatory

Written notice to the following notification contact person will constitute complete satisfaction of any written notice requirement (if any) of this Consent Order with respect to the Respondents who has signed above:

STEVEN F. RETZLOFF
Print Name

13955 FM 529
Print Address
Houston, Texas 77041

NOTE: After 4-30-10
please send to following address ^{I am} (moving office).
STEVEN F. RETZLOFF / RETZLOFF INC.
c/o Allegiance Bank Texas
8727 W. Sam Houston Parkway N. #210
Houston, TX 77040

IN THE MATTER OF:	§	U.S. EPA Docket No.
	§	
Malone Service Company Superfund Site	§	ADMINISTRATIVE ORDER
Texas City, Texas	§	ON CONSENT
	§	
Respondents Listed in Appendix A	§	Pursuant to CERCLA 122(g),
	§	42 U.S.C. 9622(g)

THE UNDERSIGNED RESPONDENT enters into this Consent Order in the matter of CERCLA
_____ relating to the Malone Service Company Superfund Site, Texas City, Texas.

FOR RESPONDENT:

GATX Corporation
Print Name of Respondent (i.e., name of company or other entity as it appears in Appendix A)
222 W. Adams St., 5th Floor, Chicago, IL 60606-5314
Print Address

By: Terrence G. Heidkamp April 1, 2010
Signature Date
Terrence G. Heidkamp
Print name of Signatory

Written notice to the following notification contact person will constitute complete satisfaction
of any written notice requirement (if any) of this Consent Order with respect to the Respondents
who has signed above:

Terrence G. Heidkamp
Print Name
GATX Corporation
222 W. Adams St., 5th Floor, Chicago, IL 60606-5314
Print Address

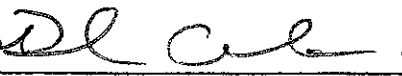
IN THE MATTER OF:	§	U.S. EPA Docket No. 06-18-08
	§	
Malone Service Company Superfund Site	§	ADMINISTRATIVE ORDER
Texas City, Texas	§	ON CONSENT
	§	
Respondents Listed in Appendix A	§	Pursuant to CERCLA 122(g),
	§	42 U.S.C. 9622(g)

THE UNDERSIGNED RESPONDENT enters into this Consent Order in the matter of CERCLA No. 06-18-08 relating to the Malone Service Company Superfund Site, Texas City, Texas.

FOR RESPONDENT:

MMI Products Inc. for Gibraltar Fence Co.
Print Name of Respondent (i.e., name of company or other entity as it appears in Appendix A)

400 N. Sam Houston Pkwy E., Suite 1200; Houston Tx 77060
Print Address

By: 
Signature

10.23.09
Date

David Clark
Print name of Signatory

Written notice to the following notification contact person will constitute complete satisfaction of any written notice requirement (if any) of this Consent Order with respect to the Respondents who has signed above:

David Clark
Print Name

MMI Products Inc.
Print Address 400 N. Sam Houston Pkwy E.
Suite 1200
Houston TX 77060

IN THE MATTER OF:	§	U.S. EPA Docket No. 06-18-08
	§	
Malone Service Company Superfund Site	§	ADMINISTRATIVE ORDER
Texas City, Texas	§	ON CONSENT
	§	
Respondents Listed in Appendix A	§	Pursuant to CERCLA 122(g),
	§	42 U.S.C. 9622(g)

THE UNDERSIGNED RESPONDENT enters into this Consent Order in the matter of CERCLA No. 06-18-08 relating to the Malone Service Company Superfund Site, Texas City, Texas.

FOR RESPONDENT:

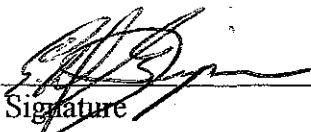
Gipson Industrial Coatings, Inc.

Print Name of Respondent (i.e., name of company or other entity as it appears in Appendix A)

PO Box 2007, Port Arthur, TX, 77643

Print Address

By:


Signature

03/09/2010

Date

E.D. Gipson

Print name of Signatory

Written notice to the following notification contact person will constitute complete satisfaction of any written notice requirement (if any) of this Consent Order with respect to the Respondents who has signed above:

Kenneth E Holder

Print Name

PO Box 2007, Port Arthur, TX, 77643

Print Address

IN THE MATTER OF:

Malone Service Company Superfund Site
Texas City, Texas

Respondents Listed in Appendix A

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U.S. EPA Docket No. 06-18-08

**ADMINISTRATIVE ORDER
ON CONSENT**

Pursuant to CERCLA 122(g),
42 U.S.C. 9622(g)

THE UNDERSIGNED RESPONDENT enters into this Consent Order in the matter of CERCLA No. 06-18-08 relating to the Malone Service Company Superfund Site, Texas City, Texas.

FOR RESPONDENT:

CARLISLE COMPANIES INCORPORATED FOR GRAHAM MAGNETICS, INC.

Print Name of Respondent (i.e., name of company or other entity as it appears in Appendix A)

250 S. CLINTON STREET, SYRACUSE, NEW YORK 13202

Print Address

By: Michael Roberson
Signature

10/13/2008
Date

MICHAEL ROBERSON
Print name of Signatory

Written notice to the following notification contact person will constitute complete satisfaction of any written notice requirement (if any) of this Consent Order with respect to the Respondents who has signed above:

MICHAEL ROBERSON
Print Name
CARLISLE COMPANIES INCORPORATED
250 S. CLINTON ST.
SYRACUSE, NY 13202
Print Address

IN THE MATTER OF:

Malone Service Company Superfund Site
Texas City, Texas

Respondents Listed in Appendix A

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U.S. EPA Docket No.

**ADMINISTRATIVE ORDER
ON CONSENT**

Pursuant to CERCLA 122(g),
42 U.S.C. 9622(g)

THE UNDERSIGNED RESPONDENT enters into this Consent Order in the matter of CERCLA
relating to the Malone Service Company Superfund Site, Texas City, Texas.

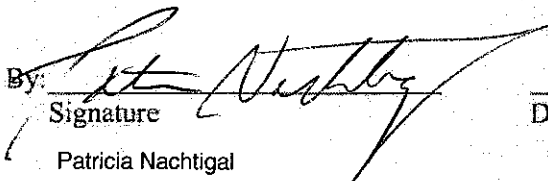
FOR RESPONDENT:

Hussmann Corporation

Print Name of Respondent (i.e., name of company or other entity as it appears in Appendix A)

12999 Saint Charles Rock Road, Bridgeton, MO 63044

Print Address

By: 
Signature
Patricia Nachtigal
Print name of Signatory

8/4/2010
Date

Written notice to the following notification contact person will constitute complete satisfaction
of any written notice requirement (if any) of this Consent Order with respect to the Respondents
who has signed above:

Dawn Horst

Print Name

One Centennial Avenue, Piscataway, NJ 08854

Print Address

IN THE MATTER OF:

Malone Service Company Superfund Site
Texas City, Texas

Respondents Listed in Appendix A

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U.S. EPA Docket No.

**ADMINISTRATIVE ORDER
ON CONSENT**

Pursuant to CERCLA 122(g),
42 U.S.C. 9622(g)

THE UNDERSIGNED RESPONDENT enters into this Consent Order in the matter of CERCLA
relating to the Malone Service Company Superfund Site, Texas City, Texas.

FOR RESPONDENT:

TYLER HOLDING COMPANY, INC. F/K/A LA GLORIA OIL AND GAS COMPANY
Print Name of Respondent (i.e., name of company or other entity as it appears in Appendix A)

P.O. Box 1168, BALTIMORE, MD 21203
Print Address

By: [Signature]
Signature

3/25/10
Date

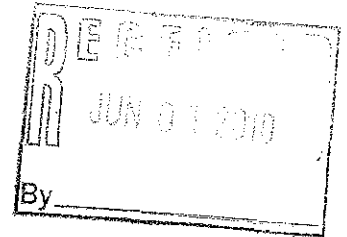
Glenn Ireland
Print name of Signatory

Written notice to the following notification contact person will constitute complete satisfaction
of any written notice requirement (if any) of this Consent Order with respect to the Respondents
who has signed above:

ANDREW LAPAYOWKER
Print Name

CROWN CENTRAL, LLC
P.O. Box 1168
Print Address

BALTIMORE, MD 21203



IN THE MATTER OF:	§	U.S. EPA Docket No.
	§	
Malone Service Company Superfund Site	§	ADMINISTRATIVE ORDER
Texas City, Texas	§	ON CONSENT
	§	
Respondents Listed in Appendix A	§	Pursuant to CERCLA 122(g),
	§	42 U.S.C. 9622(g)

THE UNDERSIGNED RESPONDENT enters into this Consent Order in the matter of CERCLA
_____ relating to the Malone Service Company Superfund Site, Texas City, Texas.

FOR RESPONDENT:

Lomita Gasoline

Print Name of Respondent (i.e., name of company or other entity as it appears in Appendix A)

111 W. Ocean Blvd, Suite 800, Long Beach, CA 90802

Print Address

By: 

Signature

May 26, 2010

Date

Frank Komin

Print name of Signatory

Written notice to the following notification contact person will constitute complete satisfaction of any written notice requirement (if any) of this Consent Order with respect to the Respondents who has signed above:

Barbara Zimmermann

Print Name

111 W. Ocean Blvd, Suite 800, Long Beach CA 90802

Print Address

IN THE MATTER OF:

Malone Service Company Superfund Site
Texas City, Texas

Respondents Listed in Appendix A.

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U.S. EPA Docket No.

**ADMINISTRATIVE ORDER
ON CONSENT**

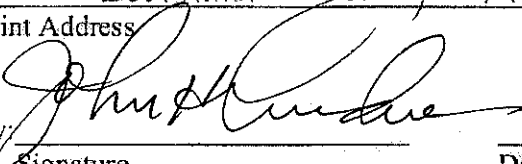
Pursuant to CERCLA 122(g),
42 U.S.C. 9622(g)

THE UNDERSIGNED RESPONDENT enters into this Consent Order in the matter of CERCLA
_____ relating to the Malone Service Company Superfund Site, Texas City, Texas.

FOR RESPONDENT:

_____ on behalf of
Crystal Gas Storage, Inc. Longview Refining
Print Name of Respondent (i.e. name of company or other entity as it appears in Appendix A)

1001 Louisiana St., Houston, TX 77002
Print Address

By:  5/11/10
Signature Date

John H. Anderson
Vice President

Print name of Signatory

Written notice to the following notification contact person will constitute complete satisfaction
of any written notice requirement (if any) of this Consent Order with respect to the Respondents
who has signed above:

Scott J. Miller, Esq.
Print Name

1001 Louisiana St., Houston, TX 77002
Print Address

IN THE MATTER OF:

Malone Service Company Superfund Site
Texas City, Texas

Respondents Listed in Appendix A

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U.S. EPA Docket No. 06-18-08

**ADMINISTRATIVE ORDER
ON CONSENT**

Pursuant to CERCLA 122(g),
42 U.S.C. 9622(g)

THE UNDERSIGNED RESPONDENT enters into this Consent Order in the matter of CERCLA No. 06-18-08 relating to the Malone Service Company Superfund Site, Texas City, Texas.

FOR RESPONDENT:

Miller Brewing Company
Print Name of Respondent (i.e., name of company or other entity as it appears in Appendix A)

3939 West Highland Blvd., Milwaukee WI 53210
Print Address

By:

Signature

Date

Stephen Rogers, Vice President
Print name of Signatory

Written notice to the following notification contact person will constitute complete satisfaction of any written notice requirement (if any) of this Consent Order with respect to the Respondents who has signed above:

Stephen Rogers
Print Name

3939 West Highland Blvd., ~~MAH~~
Print Address

Milwaukee, WI, 53210

MAK 0 2 2010

IN THE MATTER OF:

Malone Service Company Superfund Site
Texas City, Texas

Respondents Listed in Appendix A

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U.S. EPA Docket No. 06-08-10

**ADMINISTRATIVE ORDER
ON CONSENT**

Pursuant to CERCLA 122(g),
42 U.S.C. 9622(g)

THE UNDERSIGNED RESPONDENT enters into this Consent Order in the matter of CERCLA No. 06-08-10 relating to the Malone Service Company Superfund Site, Texas City, Texas.

FOR RESPONDENT:

Natural Gas Odorizing, Inc.

Print Name of Respondent, name of company or other entity as it appears in Appendix A)

5005 LBJ Freeway, Suite 2200, Dallas, Texas 75244

Print Address

By:

Signature

Date

5/12/10

Scott A. King, Vice President and Secretary

Print name of Signatory

Written notice to the following notification contact person will constitute complete satisfaction of any written notice requirement (if any) of this Consent Order with respect to the Respondents who has signed above:

Scott A. King

Print Name

5005 LBJ Freeway

Print Address

Dallas, Texas 75244

IN THE MATTER OF:	§	U.S. EPA Docket No. 06-18-08
	§	
Malone Service Company Superfund Site	§	ADMINISTRATIVE ORDER
Texas City, Texas	§	ON CONSENT
	§	
Respondents listed in Appendix A	§	Pursuant to CERCLA 122(g),
	§	42 U.S.C. 9622(g)

THE UNDERSIGNED RESPONDENT enters into this Consent Order in the matter of CERCLA No. 06-18-08 relating to the Malone Service Company Superfund Site, Texas City, Texas.

FOR RESPONDENT:

Redland Plasma Co
 Print Name of Respondent (i.e., name of company or other entity as it appears in Appendix A)
12952 Worldgate Drive, Herndon, Va 20170
 Print Address

by: [Signature] 2/27/10
 Signature Date
Joseph McCarthy, President
 Print name of Signatory

Written notice to the following notification contact person will constitute complete satisfaction of any written notice requirement (if any) of this Consent Order with respect to the Respondents who has signed above.

William E Miller, Eng, Vice President, Redland Plasma Co
12952 Worldgate Drive, Herndon, Va 20170
 Print Name
12952 Worldgate Drive
Herndon, Va 20170
 Print Address

IN THE MATTER OF:

U.S. EPA Docket No.

Malone Service Company Superfund Site
Texas City, Texas

ADMINISTRATIVE ORDER

Respondents Listed in Appendix A

Pursuant to CERLA 122(g)
42 U.S. C. 9622(g)

THE UNDERSIGNED RESPONDENT enters into this Consent Order in the matter of CERCLA No. 6-18-08 relating to the Malone Service Company Superfund Site, Texas City, Texas.

FOR RESPONDENT:

Robertson Terminal also known as Paktank Gulf Coast Inc., Paktank Corporation -Deer Park Terminal now known as Vopak Terminal Deer Park Inc.

2759 Independence Parkway South, La Porte, Texas 77571/ P.O. Box 897, Deer Park, Texas 77536

Print Address

By:

Signature

Date

D. Michelle
Print name of Signatory

Written notice to the following notification contact person will constitute complete satisfaction of any written notice requirement (if any) of this Consent Order with respect to the Respondents who has signed above:

Lou Ann Flanz, General Counsel

Print Name

Vopak Terminal Deer Park Inc.
2000 West Loop South, Suite 2200, Houston, Texas 77027

IN THE MATTER OF:

Malone Service Company Superfund Site
Texas City, Texas

Respondents Listed in Appendix A

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U.S. EPA Docket No. 06-08-10

**ADMINISTRATIVE ORDER
ON CONSENT**

Pursuant to CERCLA 122(g),
42 U.S.C. 9622(g)

THE UNDERSIGNED RESPONDENT enters into this Consent Order in the matter of CERCLA No. 06-08-10 relating to the Malone Service Company Superfund Site, Texas City, Texas.

FOR RESPONDENT:

Robinson Nugent, Inc
Print Name of Respondent (i.e., name of company or other entity as it appears in Appendix A)

c/o 3M Legal Department, 3M Center, 220-9E-02, St. Paul, MN 55144
Print Address

By:

Signature

Date

Gregg M. Larson

Print name of Signatory

Written notice to the following notification contact person will constitute complete satisfaction of any written notice requirement (if any) of this Consent Order with respect to the Respondents who has signed above:

G.A. Biros

Print Name

c/o 3M Legal Department
3M Center, 220-9E-02

St. Paul, MN 55144
Print Address

IN THE MATTER OF:	§	U.S. EPA Docket No. 06-08-10
	§	
Malone Service Company Superfund Site	§	ADMINISTRATIVE ORDER
Texas City, Texas	§	ON CONSENT
	§	
Respondents Listed in Appendix A	§	Pursuant to CERCLA 122(g),
	§	42 U.S.C. 9622(g)

THE UNDERSIGNED RESPONDENT enters into this Consent Order in the matter of CERCLA No. 06-08-10 relating to the Malone Service Company Superfund Site, Texas City, Texas.

FOR RESPONDENT:

Rockwell Collins, Inc.

Print Name of Respondent (i.e., name of company or other entity as it appears in Appendix A)

400 Collins Road NE, Cedar Rapids, IA 52498

Print Address

By: Thomas G. Manor 4/12/2010
Signature Date

Thomas G. Manor, Assistant General Counsel
Print name of Signatory

Written notice to the following notification contact person will constitute complete satisfaction of any written notice requirement (if any) of this Consent Order with respect to the Respondents who has signed above:

Thomas G. Manor, Assistant General Counsel
Print Name

Rockwell Collins, Inc.
400 Collins Road NE
Print Address Cedar Rapids, IA 52498

IN THE MATTER OF:

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U.S. EPA Docket No. 06-18-08

Malone Service Company Superfund Site,
Texas City, Texas

ADMINISTRATIVE ORDER
ON CONSENT

Respondents Listed in Appendix A

Pursuant to CERCLA (122(g),
42 U.S.C. 9622(g))

THE UNDERSIGNED RESPONDENT enters into this Consent Order in the matter of CERCLA No. 06-18-08 relating to the Malone Service Company Superfund Site, Texas City, Texas.

FOR RESPONDENT: Schlumberger Technology Corporation for Schlumberger Limited, Johnston Controls Inc., Johnston, Schlumberger Perforating Center, Schlumberger Technology Corporation, Schlumberger Well Services, Schlumberger/Johnston Division.

Print Name of Respondent (i.e., name of company or other entity as it appears in Appendix A)

Schlumberger Oilfield Services, 225 Schlumberger Drive, Sugar Land, Texas 77478

Print Address

By:

A. Bourgeois
Signature

6/3/10
Date

Alexandre Bourgeois

Print name of Signatory

Written notice to the following notification contact person will constitute complete satisfaction of any written notice requirement (if any) of this Consent Order with respect to the Respondents who has signed above:

Daniella Landers, Sutherland Asbill & Brennan, LLP

Print Name

First City Tower, 1001 Fannin St., Suite 3700, Houston, Texas 77002

Print Address

IN THE MATTER OF:	§	U.S. EPA Docket No. 06-18-08
	§	
Malone Service Company Superfund Site	§	ADMINISTRATIVE ORDER
Texas City, Texas	§	ON CONSENT
	§	
Respondents Listed in Appendix A	§	Pursuant to CERCLA 122(g),
	§	42 U.S.C. 9622(g)

THE UNDERSIGNED RESPONDENT enters into this Consent Order in the matter of CERCLA No. 06-18-08 relating to the Malone Service Company Superfund Site, Texas City, Texas.

FOR RESPONDENT:

Schlumberger Technology Corporation only for proportionate contribution attributable to Reed Rock Bit Co. and Reed Tool Co.

Print Name of Respondent (i.e., name of company or other entity as it appears in Appendix A)

Schlumberger Oilfield Services, 225 Schlumberger Drive, Sugar Land, TX

Print Address

By:

A. Bourgeois
Signature

4/6/10
Date

ALEXANDRE BOURGEOIS
Print name of Signatory

Written notice to the following notification contact person will constitute complete satisfaction of any written notice requirement (if any) of this Consent Order with respect to the Respondents who has signed above:

Daniella D. Landers, Sutherland Asbill & Brennan, LLP

Print Name

2 Houston Center, 909 Fannin St., Suite 2200, Houston, Texas 77010

Print Address

IN THE MATTER OF	§	U.S. EPA Docket No. 06-18-08
	§	
Malone Service Company Superfund Site	§	ADMINISTRATIVE ORDER
Texas City, Texas	§	ON CONSENT
	§	
Respondents Listed in Appendix A	§	Pursuant to CERCLA 122(g),
	§	42 U.S.C. 9622(g)

THE UNDERSIGNED RESPONDENT enters into this Consent Order in the matter of CERCLA No. 06-18-08 relating to the Malone Service Company Superfund Site, Texas City, Texas.

FOR RESPONDENT

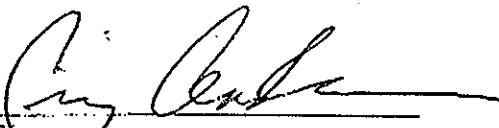
RadioShack Corp. for Tandy Magnetics

Print Name of Respondent (i.e., name of company or other entity as it appears in Appendix A)

Ms CF4-122, 300 RadioShack Circle, Ft Worth, TX 76102

Print Address

By:


Signature Assoc Gen Counsel

10-09-09

Date

Craig Anderson

Print name of Signatory

Written notice to the following notification contact person will constitute complete satisfaction of any written notice requirement (if any) of this Consent Order with respect to the Respondents who has signed above:

RadioShack Legal Department

Print Name

Ms CF4-122, 300 RadioShack Circle, Ft Worth, TX 76102

Print Address

IN THE MATTER OF:	§	U.S. EPA Docket No.
	§	
Malone Service Company Superfund Site	§	ADMINISTRATIVE ORDER
Texas City, Texas	§	ON CONSENT
	§	
Respondents Listed in Appendix A	§	Pursuant to CERCLA 122(g),
	§	42 U.S.C. 9622(g)

THE UNDERSIGNED RESPONDENT enters into this Consent Order in the matter of CERCLA
_____ relating to the Malone Service Company Superfund Site, Texas City, Texas.

FOR RESPONDENT:

Triangle Wire & Cable, Inc. (now known as Ocean View Capital, Inc.)
Print Name of Respondent (i.e., name of company or other entity as it appears in Appendix A)

155 South Main Street, Suite 302, Providence, RI 02903

Print Address

By:

Signature

4/2/10

Date

Sharad Bhatia

Print name of Signatory

Written notice to the following notification contact person will constitute complete satisfaction
of any written notice requirement (if any) of this Consent Order with respect to the Respondents
who has signed above:

Print Name

Print Address

IN THE MATTER OF:

Malone Service Company Superfund Site
Texas City, Texas

Respondents Listed in Appendix A

§
§
§
§
§
§

U.S. EPA Docket No. 06-18-08

**ADMINISTRATIVE ORDER
ON CONSENT**

Pursuant to CERCLA 122(g),
42 U.S.C. 9622(g)

THE UNDERSIGNED RESPONDENT enters into this Consent Order in the matter of CERCLA No. 06-18-08 relating to the Malone Service Company Superfund Site, Texas City, Texas.

FOR RESPONDENT:

Imo Industries Inc. for Vard Semiconductor Inc

Print Name of Respondent (i.e., name of company or other entity as it appears in Appendix A)

200 American Metro Blvd, Suite 111, Hamilton, NJ 08619
Print Address

By:


Signature

December 19, 2008
Date

Thomas M. O'Brien

Print name of Signatory

Written notice to the following notification contact person will constitute complete satisfaction of any written notice requirement (if any) of this Consent Order with respect to the Respondents who has signed above:

Peter W. Elleman
Print Name

200 American Metro Blvd, Suite 111, Hamilton, NJ 08619
Print Address

IN THE MATTER OF:	§	U.S. EPA Docket No. 06-08-10
	§	
Malone Service Company Superfund Site	§	ADMINISTRATIVE ORDER
Texas City, Texas	§	ON CONSENT
	§	
Respondents Listed in Appendix A	§	Pursuant to CERCLA 122(g),
	§	42 U.S.C. 9622(g)

THE UNDERSIGNED RESPONDENT enters into this Consent Order in the matter of CERCLA No. 06-08-10 relating to the Malone Service Company Superfund Site, Texas City, Texas.

FOR RESPONDENT:

TOTAL Petrochemicals USA, Inc.

Print Name of Respondent (i.e., name of company or other entity as it appears in Appendix A)

1201 Louisiana Street, Suite 1800, Houston, Texas 77002

Print Address

By: Danny R. Kite

Signature

7-9-10

Date

Danny R. Kite

Print name of Signatory

Written notice to the following notification contact person will constitute complete satisfaction of any written notice requirement (if any) of this Consent Order with respect to the Respondents who has signed above:

Pat Spillman, Senior Attorney

Print Name

1201 Louisiana Street, Suite 1800, Houston, Texas 77002

Print Address

APPENDIX A

**MALONE SERVICE COMPANY SUPERFUND SITE
LIST OF RESPONDENTS WITH PAYMENT
SCHEDULE FOR *DE MINIMIS* OFFER**

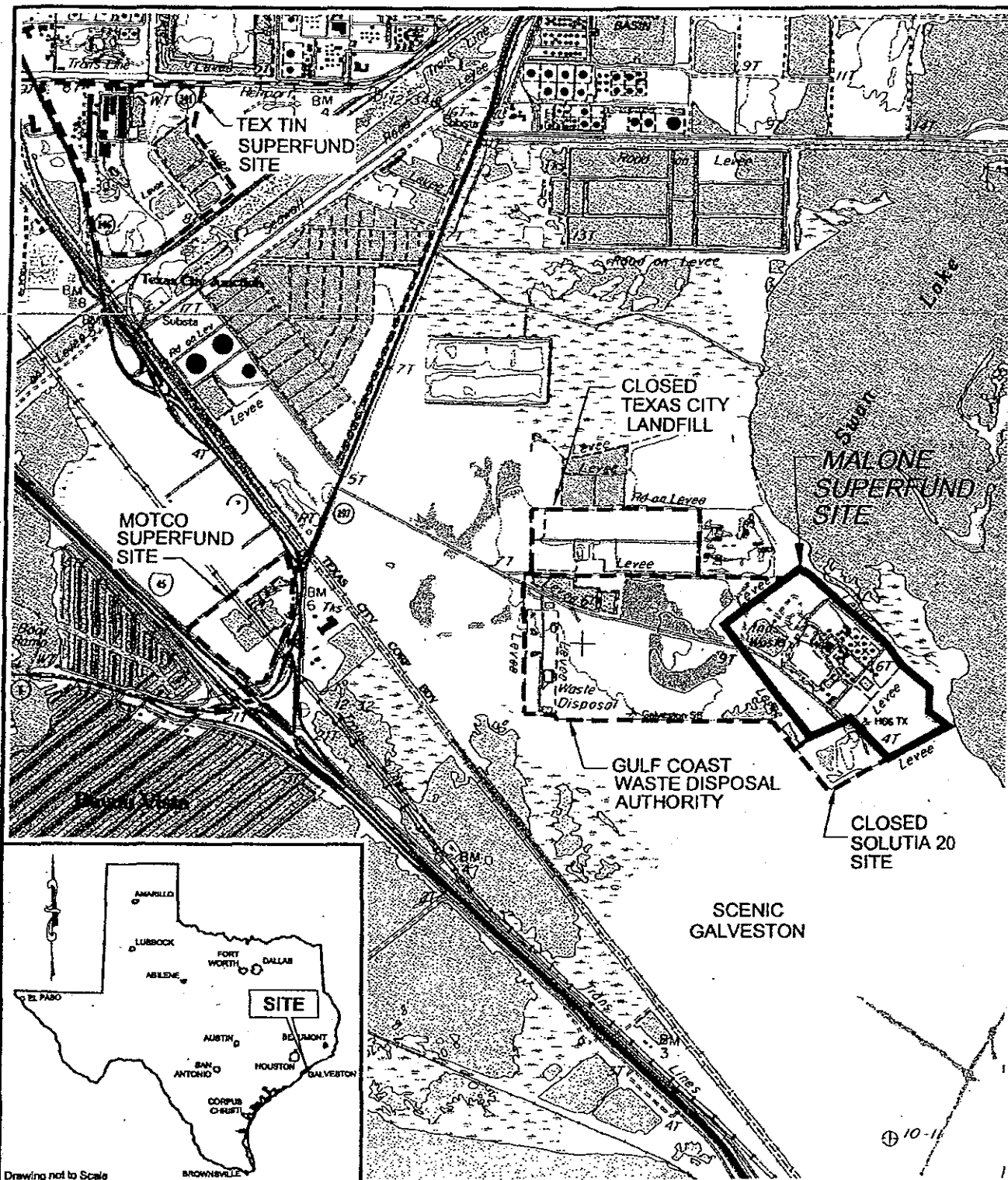
Malone Services Company Superfund Site
Phase C De Minimis Settlement
Appendix A

LIST OF RESPONDENTS
FOR PHASE C DE MINIMIS SETTLEMENT (includes 2008-2010 offers)
(updated 06/21/2010 and 8/1/2010 to reflect Phase C settlers)

ALLSTATE VACUUM AND TANK INC *in care of* Team Industrial Services Inc.
American Drilling & Sawing Co.
AmeriGas Partners
Conagra Foods Packaged Foods LLC, *successor by merger to* Arrow Industries, Inc.
Bonney Forge Corp.
Chem-Tech Inc.
City of Texas City
CONOCO PHILLIPS COMPANY, on behalf of, Alamo Manufacturing Co.; Conoco Inc.; Gulf Coast Fractionators;
Phillips Chemical Co.; Phillips Petroleum Company and Seaway Crude Pipeline Company
(*on behalf of the entity identified as ARCO Pipeline Co. on the EPA Waste-In-List and on appendices to the AOC*)
Dresser Rand Co and Ingersoll-Rand Company
Dupont Powder Coatings
SAINT-GOBAIN PERFORMANCE PLASTICS CORP.
for The Fluorocarbon Co.
RETZLOFF INDUSTRIES INC. *for* Fresno Chemical
GATX Corporation
MMI PRODUCTS INC. *for* Gibraltar Fence Co.
Gipson Industrial Coatings Inc.
Carlisle Companies Incorporated *for* Graham Magnetics Inc.
Hussmann Corporation
TYLER HOLDING COMPANY, INC. *For* La Gloria Oil & Gas Company
Lomita Gasoline
Crystal Gas Storage, Inc. *on behalf of* Longview Refining
Miller Brewing Co.
Natural Gas Odorizing, Inc.
Red P Inc *for* Redland Prismo Co
ROBERTSON TERMINAL *also known as* Paktank Gulf Coast Inc.,
Paktank Corporation - Deer Park Terminal *now known as* Vopak Terminal Deer Park Inc.
Robinson Nugent, Inc. *in care of* 3M
Rockwell-Collins Inc
SCHLUMBERGER LIMITED *for*
Dowell Div Dow Chemical USA; Dowell Industrial Service;
Dowell Schlumberger Inc; Schlumberger Perforating Center;
Schlumberger Technology Corp; Schlumberger Well Services;
Schlumberger/ Johnston Division
Schlumberger Technology Corporation
only for proportionate contribution attributable to
Reed Rock Bit Co. and Reed Tool Co. (*with Baker Hughes*)
RADIOSHACK CORP. *for* Tandy Magnetics
Triangle Wire & Cable, Inc. *now known as* Ocean View Capital, Inc.
Imo Industries Inc. *For* Varo Semiconductor Inc.
Total Petrochemical

APPENDIX B

**MALONE SERVICE COMPANY SUPERFUND SITE
SITE MAP**



Drawing not to Scale



0 2000 4000
APPROXIMATE SCALE IN FEET
SCALE= 1:24000

Image Source:
U.S.G.S. 7.5-minute series topographic map.
Virginia Point, Texas Quadrangle, 1994.

Source:
Modified from URS Feasibility Study Report,
June 2008.

Malone Service Company
Superfund Site

Site Location Map

APPENDIX C

**MALONE SERVICE COMPANY SUPERFUND SITE
ALLOCATION FOR *DE MINIMIS* OFFER**

MALONE SERVICES COMPNAY SUPERFUND SITE
Phase C De Minimis Settlement
Appendix C - Allocation

	Volume, in Gallons	Percentage Share of Volume		Non-RI/FS Past Cost Share	RI/FS Cost Share	Post- RI/FS through ROD Cost Share	Future Cost Share	Premium Cost Share	Allocation Payment
ALLSTATE VACUUM AND TANK INC <i>in care of</i> Team Industrial Services Inc.	28,867.00	0.00599728%	0.0000599730	\$736	\$327	\$64	\$3,167	\$3,167	\$7,461
American Drilling & Sawing Co.	11,284.00	0.00234433%	0.0000234430	\$288	\$128	\$25	\$1,238	\$1,238	\$2,917
AmeriGas Partners	23,100.00	0.00479919%	0.0000479920	\$591	\$261	\$51	\$2,534	\$2,534	\$5,971
Conagra Foods Packaged Foods LLC, <i>successor by merger to</i> Arrow Industries, Inc.	35,197.00	0.00731244%	0.0000731240	\$899	\$398	\$78	\$3,861	\$3,861	\$9,097
Bonney Forge Corp.	14,291.00	0.00296899%	0.0000296900	\$364	\$162	\$32	\$1,568	\$1,568	\$3,694
Chem-Tech Inc.	12,850.00	0.00266967%	0.0000266970	\$327	\$145	\$29	\$1,410	\$1,410	\$3,321
City of Texas City	25,505.00	0.00529889%	0.0000529890	\$650	\$289	\$57	\$2,798	\$2,798	\$6,592
CONOCO PHILLIPS COMPANY, on behalf of, Alamo Manufacturing Co.; Conoco Inc.; Gulf Coast Fractionators; Phillips Chemical Co.; Phillips Petroleum Company and Seaway Crude Pipeline Company <i>(on behalf of the entity identified as ARCO Pipeline Co. on the EPA Waste-In-List and on appendices to the AOC)</i>	1,485,752.00	0.30867597%	0.0030867600	\$37,947	\$16,811	\$3,299	\$162,981	\$162,981	\$384,019
Dresser Rand Co and Ingersoll-Rand Company	29,254.00	0.00607772%	0.0000607770	\$747	\$331	\$65	\$3,209	\$3,209	\$7,561
Dupont Powder Coatings	16,237.00	0.00337337%	0.0000337340	\$415	\$184	\$36	\$1,781	\$1,781	\$4,197
SAINT-GOBAIN PERFORMANCE PLASTICS CORP. <i>for The Fluorocarbon Co.</i>	10,568.00	0.00219557%	0.0000219560	\$270	\$120	\$23	\$1,159	\$1,159	\$2,731
RETZLOFF INDUSTRIES INC. <i>for</i> Fresno Chemical	10920	0.00226871%	0.0022687100	\$278	\$124	\$24	\$1,198	\$1,198	\$2,822
GATX Corporation	65,260.00	0.01355824%	0.0001355820	\$1,667	\$738	\$145	\$7,159	\$7,159	\$16,868

MALONE SERVICES COMPNAV SUPERFUND SITE
Phase C De Minimis Settlement
Appendix C - Allocation

	Volume, in Gallons	Percentage Share of Volume		Non-RI/FS Past Cost Share	RI/FS Cost Share	Post- RI/FS through ROD Cost Share	Future Cost Share	Premium Cost Share	Allocation Payment
MMI PRODUCTS INC. for Gibraltar Fence Co.	56,903.00	0.01182197%	0.0001182200	\$1,454	\$644	\$126	\$6,242	\$6,242	\$14,708
Gipson Industrial Coatings Inc.	13,262.00	0.00275529%	0.0000275530	\$339	\$150	\$29	\$1,455	\$1,455	\$3,428
Carlisle Companies Incorporated for Graham Magnetics Inc.	62,310.00	0.01294537%	0.0001294540	\$1,592	\$705	\$138	\$6,835	\$6,835	\$16,105
Hussmann Corporation	67,505.00	0.01402456%	0.0001402460	\$1,724	\$764	\$150	\$7,405	\$7,405	\$17,448
TYLER HOLDING COMPANY, INC. for La Gloria Oil & Gas Company	12378	0.00257160%	0.0025716000	\$316	\$140	\$27	\$1,358	\$1,358	\$3,199
Lomita Gasoline	14,400.00	0.00299171%	0.0000299170	\$367	\$163	\$32	\$1,580	\$1,580	\$3,722
Crystal Gas Storage, Inc. on behalf of Longview Refining	192,537.00	0.04000096%	0.0004000100	\$4,917	\$2,179	\$427	\$21,121	\$21,121	\$49,765
Miller Brewing Co	37,383.00	0.00776665% #	423	\$954	\$423	\$83	\$4,101	\$4,101	\$9,662
Natural Gas Odorizing, Inc.	33,142.00	0.00688557%	0.0000688560	\$845	\$375	\$74	\$3,636	\$3,636	\$8,566
Red P Inc for Redland Prismo Co	62,050.00	0.01289131%	0.0001289130	\$1,584	\$702	\$138	\$6,807	\$6,807	\$16,038
ROBERTSON TERMINAL also known as Paktank Gulf Coast Inc., Paktank Corporation - Deer Park Terminal now known as Vopak Terminal Deer Park Inc.	361089	0.07501888%	0.0750188800	\$9,222	\$4,086	\$802	\$39,610	\$39,610	\$93,330
Robinson Nugent, Inc. in care of 3M	26,350.00	0.00547431%	0.0000547430	\$674	\$298	\$59	\$2,890	\$2,890	\$6,811
Rockwell-Collins Inc	15,742.00	0.00327050%	0.0000327050	\$402	\$178	\$35	\$1,727	\$1,727	\$4,069

MALONE SERVICES COMPNAY SUPERFUND SITE
Phase C De Minimis Settlement
Appendix C - Allocation

	Volume, in Gallons	Percentage Share of Volume		Non-RI/FS Past Cost Share	RI/FS Cost Share	Post- RI/FS through ROD Cost Share	Future Cost Share	Premium Cost Share	Allocation Payment
SCHLUMBERGER LIMITED for Dowell Div Dow Chemical USA; Dowell Industrial Service; Dowell Schlumberger Inc; Schlumberger Perforating Center; Schlumberger Technology Corp; Schlumberger Well Services; Schlumberger/ Johnston Division	799,886.00	0.16618218%	0.0016618220	\$20,430	\$9,051	\$1,776	\$87,744	\$87,744	\$206,745
Schlumberger Technology Corporation only for proportionate contribution attributable to Reed Rock Bit Co. and Reed Tool Co. (with Baker Hughes)	73,769.00	0.01532613%	0.0001532610	\$1,884	\$835	\$164	\$8,092	\$8,092	\$19,067
RADIOSHACK CORP. for Tandy Magnetics	40,499.00	0.00841401%	0.0000841400	\$1,034	\$458	\$90	\$4,443	\$4,443	\$10,468
Triangle Wire & Cable, Inc. now known as Ocean View Capital, Inc.	164,975.00	0.03427480% #	0.0003427480	\$4,214	\$1,867	\$366	\$18,097	\$18,097	\$42,641
Imo Industries Inc. For Varo Semiconductor Inc.	20,990.00	0.00436091%	0.0000436090	\$534	\$238	\$47	\$2,303	\$2,303	\$5,425
Total Petrochemical	102,778.00	0.02135286% #	1,163.00	\$2,626	\$1,163	\$228	\$11,274	\$11,274	\$26,565
TOTAL for Phase C De Minimis Offers Accepted				\$100,291	\$44,437	\$8,719	\$430,783	\$430,783	\$1,015,013

Total Volume in Gallons in WIL and Allocation: 481,330,765

APPENDIX D

**MALONE SERVICE COMPANY SUPERFUND SITE
DE MINIMIS PAYMENT SCHEDULE**

MALONE SERVICE SUPERFUND SITE
 PHASE C DE MINIMIS SETTLEMENT
 Appendix D

PAYMENT SCHEDULE FOR PHASE C SETTLORS

	Settlement Payment
ALLSTATE VACUUM AND TANK INC <i>in care of</i> Team Industrial Services Inc.	\$7,461
American Drilling & Sawing Co.	\$2,917
AmeriGas Partners	\$5,971
Conagra Foods Packaged Foods LLC, <i>successor by merger to</i> Arrow Industries, Inc.	\$9,097
Bonney Forge Corp.	\$3,694
Chem-Tech Inc.	\$3,321
City of Texas City	\$6,592
CONOCO PHILLIPS COMPANY, on behalf of, Alamo Manufacturing Co.; Conoco Inc.; Gulf Coast Fractionators; Phillips Chemical Co.; Phillips Petroleum Company and Seaway Crude Pipeline Company <i>(on behalf of the entity identified as ARCO Pipeline Co. on the EPA Waste-In- List and on appendices to the AOC)</i>	\$384,019
Dresser Rand Co and Ingersoll-Rand Company	\$7,561
Dupont Powder Coatings	\$4,197
SAINT-GOBAIN PERFORMANCE PLASTICS CORP. <i>for The Fluorocarbon Co.</i>	\$2,731
RETZLOFF INDUSTRIES INC. <i>for</i> Fresno Chemical	\$2,822
GATX Corporation	\$16,868
MMI PRODUCTS INC. <i>for</i> Gibraltar Fence Co.	\$14,708
Gipson Industrial Coatings Inc.	\$3,428
Carlisle Companies Incorporated <i>for</i> Graham Magnetics Inc.	\$16,105
Husmann Corporation	\$17,448
TYLER HOLDING COMPANY, INC. <i>for</i> La Gloria Oil & Gas Company	\$3,199
Lomita Gasoline	\$3,722
Crystal Gas Storage, Inc. <i>on behalf of</i> Longview Refining	\$49,765
Miller Brewing Co	\$9,662
Natural Gas Odorizing, Inc.	\$8,566

MALONE SERVICE SUPERFUND SITE
 PHASE C DE MINIMIS SETTLEMENT
 Appendix D

Red P Inc for Redland Prismo Co	\$16,038
ROBERTSON TERMINAL <i>also known as</i> Paktank Gulf Coast Inc., Paktank Corporation - Deer Park Terminal <i>now known as</i> Vopak Terminal Deer Park Inc.	\$93,330
Robinson Nugent, Inc. <i>in care of</i> 3M	\$6,811
Rockwell-Collins Inc	\$4,069
SCHLUMBERGER LIMITED for Dowell Div Dow Chemical USA; Dowell Industrial Service; Dowell Schlumberger Inc; Schlumberger Perforating Center; Schlumberger Technology Corp; Schlumberger Well Services; Schlumberger/ Johnston Division	\$206,745
Schlumberger Technology Corporation <i>only for proportionate contribution attributable to</i> Reed Rock Bit Co. and Reed Tool Co. <i>(with Baker Hughes)</i>	\$19,067
RADIOSHACK CORP. for Tandy Magnetics	\$10,468
Triangle Wire & Cable, Inc. <i>now known as</i> Ocean View Capital, Inc.	\$42,641
Imo Industries Inc. For Varo Semiconductor Inc.	\$5,425
Total Petrochemical	\$26,565
TOTAL for Phase C De Minimis Offers Accepted	\$1,015,013

Total Volume in Gallons in WIL and Allocation: 481,330,765

APPENDIX E

**MALONE SERVICE COMPANY SUPERFUND SITE
APPROVAL OF THE DEPARTMENT OF JUSTICE**



U.S. Department of Justice

Environment and Natural Resources Division

90-11-2-07465/5

Environmental Enforcement Section
P.O. Box 7611
Washington, DC 20044-7611

Telephone (202) 514-4624
Facsimile (202) 514-8865

July 26, 2010

By U.S. Mail

Suzanne Murray
Regional Counsel (6RC)
U.S. Environmental Protection Agency Region 6
1445 Ross Avenue, Suite 1200
Dallas, Texas 75202-2733

Re: In the Matter of Malone Service Company
Administrative Consent Order (Number 3) for *De Minimis* Contributors Under CERCLA
Section 122(g), Docket No. 06-18-08

Dear Ms. Murray:

I have reviewed the Administrative Order on Consent ("Agreement") in the above-referenced matter pursuant to which 31 parties will settle their liability to EPA for past and future response costs and actions at the Site based on their *de minimis* contributions to hazardous substances disposed at the Site. Pursuant to Section 122(g) of the Comprehensive Environmental Response Compensation, and Liability Act, 42 U.S.C. § 9622(g), and the Attorney General's inherent authority, I agree with and have approved of the proposed Agreement.

Sincerely,

Bruce Gelber
Chief
Environmental Enforcement Section

cc: Anne Foster, EPA
I-Jung Chiang, EPA